

VALIDITY OF NUTTALL'S NAMES IN
FRASER'S CATALOGUE

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DR. Lloyd Shinnars has maintained in a recent issue of *Rhodora* (57: 290–295. 1955) that the names usually attributed to Nuttall in Fraser's Catalogue, even those accompanied by descriptions, were not validly published. Fraser's Catalogue, an English nursery-firm's pamphlet that appeared in 1813, was published without formal indication of an author, but it is universally acknowledged that many or all of the new names contained in it were those of Thomas Nuttall. Many of these names were later republished by Nuttall with full descriptions, sometimes with a reference to Fraser's Catalogue, sometimes without.

Dr. Shinnars shows that botanists have not been entirely consistent in their approach to Fraser's Catalogue, with the result that its rejection would displace some well known names, even while preserving others. *Penstemon grandiflorus* Nutt., which has regularly been accepted in floras and monographic work dating back at least to the fifth (1829) edition of Amos Eaton's *Manual of Botany*, would for example be replaced by the unfamiliar *P. bradburyi* Pursh if Fraser's Catalogue is banished to a nomenclatural limbo. We believe that the interests of nomenclatural stability would be better served by the admission of Fraser's Catalogue as a proper publication than by its rejection, but we do not rely on that argument to support our position.

Dr. Shinnars argues that Nuttall was not himself the author of Fraser's Catalogue, and this may perhaps be true in a strictly literal sense, although it is obvious that the descriptions and comments accompanying some of the names must be Nuttall's own. Dr. Shinnars further states that since the names were "anonymous as published," and "not avowedly accepted by any author," they are not validly published. Presumably he is relying here on Article 43 of the International Code of Botanical Nomenclature (Utrecht, 1952), which says that "A name (1) which is not accepted by the author who published it . . . is not validly published." This rule, however, as shown both by the examples and by the published discussion (Proc. 6th Int.

Bot. Congr. 1: 364–366. 1936. Leiden) which preceded its original adoption, clearly pertains only to the intent of the author as expressed in the published work itself. If a name is formally and intentionally used, the pertinent part of Article 43 is complied with. It matters not that the author may change his mind, or never again use the name, so long as he has accepted it in the published work.

Dr. Shinnors' contention that the names in Fraser's Catalogue were really anonymous, rather than being properly attributable to Nuttall, is immaterial. Anonymity of the author is no bar, under the Rules, to validity of publication of a name. Dr. Shinnors suggests that his attempt to disqualify anonymous names in Fraser's Catalogue is merely an application of a principle propounded by Rousseau (Taxon 4: 40–42. 1955) in the latter's attempt to dispose of the anonymous generic name *Americus*. We do not wish to comment on the status of *Americus* at this time, but we would point out that the question raised by Rousseau as to the serious intent of the author of *Americus* does not apply to the names used in Fraser's Catalogue.

Dr. Shinnors points out that some of Nuttall's names published in Fraser's Catalogue were later taken up by him, while others were not. From this situation he concludes that "His inconsistent treatment gives us sufficient legal grounds, if anonymity be not enough, to disregard all names in the Catalogue." We disagree. The names in Fraser's Catalogue were accepted in that published work by whoever wrote it, and the subsequent action of Nuttall or any other possible author has no bearing on the validity of their publication.

Without at this time trying to determine what constitutes a "description" under Article 42 of the Rules, we believe that those new names which appeared in Fraser's Catalogue, accompanied by descriptions, are validly published.—THE NEW YORK BOTANICAL GARDEN.